

**SUMMARIZED MINUTES  
SCOTTSDALE CITY COUNCIL  
TUESDAY, JANUARY 10, 2006**



**CITY HALL KIVA  
3939 N. DRINKWATER BOULEVARD  
SCOTTSDALE, AZ 85251**

**CALL TO ORDER**

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, January 10, 2006 in the Kiva, City Hall, at 5:25 P.M.

**ROLL CALL**

Present: Mayor Mary Manross  
Vice Mayor Ron McCullagh  
Council Members Betty Drake, Wayne Ecton, W.J. "Jim" Lane,  
Robert Littlefield, and Kevin Osterman

Also Present: City Manager Jan Dolan  
City Attorney Deborah Robberson  
City Clerk Carolyn Jagger

**PLEDGE OF ALLEGIANCE** - Explorers Rob Wagner and Travis Goodsen, Post #908

**INVOCATION** - Pastor Rob Wagner, Scottsdale Baptist Church

**PRESENTATIONS/INFORMATION UPDATES**

- Recognition of Rodel Charitable Foundation of Arizona Award Recipients, Natalie Laino and Marilyn Zolondek, both of Yavapai Elementary School
- Announcement of the Hazardous Waste Collection Event of January 14, 2006

**NOTE** IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

**Boards, Commissions, and Task Force Nominations:** (Note: Interviews and Appointments Scheduled for January 24, 2006)

- Environmental Quality Advisory Board (2 vacancies) – Nominated: Michael Miller, James Mulloy, Brian Munson
- Library Board (2 vacancies) – Nominated: Richard Kiesell, Paul Lison, Marilyn Murphy, Judy Snyder, Nancy Walker
- McDowell Sonoran Preserve Commission (1 vacancy) – Nominated: Thomas Morrow, Solange Whitehead
- Neighborhood Enhancement Commission (1 vacancy) – Nominated: John Horwitz
- Planning Commission (1 vacancy) – Nominated: Michael Edwards, Kevin O'Neill

**PUBLIC COMMENT**

**Janis Gagner**, 8047 E Rovey Av, 85250, presented a petition (attached) from La Casa Rica neighborhood asking assistance with safety, dust, traffic, and noise impacts associated with the Hayden/McDonald water treatment plant construction.

**Bob Vairo**, Coalition of Pinnacle Peak, 10040 E Happy Valley Rd, #451, 85255, stated any changes resulting in a conditional use permit being granted to Sonrise Church should be heard at a public meeting.

**Roland Kueffner**, 3326 N 85<sup>th</sup> PI, 85251, spoke about the costs associated with building the Paradise Valley Arsenic Removal Facility. Mr. Kueffner requested an explanation for the nomination petition challenge to Nan Nesvig.

**Mike Aloisi**, 6846 N 72<sup>nd</sup> PI, 85250, voiced his support of Nan Nesvig for City Council and questioned the nomination petition challenge.

**Sheryl Mendenhall**, 8051 E Rovey Av, 85250, asked for assistance with noise and traffic issues associated with the Hayden/McDonald water treatment plant construction.

**MINUTES**

SPECIAL MEETINGS	REGULAR MEETINGS
October 15, 2005	December 12, 2005
December 12, 2005	December 13, 2005

VICE MAYOR MCCULLAGH MOVED FOR APPROVAL OF THE SPECIAL MEETING MINUTES OF OCTOBER 15 AND DECEMBER 12, 2005, AND THE REGULAR MEETING MINUTES OF DECEMBER 12 AND 13, 2005. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 7-0.

## **CONSENT AGENDA      ITEMS 1-27**

ITEMS 8 AND 10 WERE REMOVED FROM THE CONSENT AGENDA FOR SEPARATE ACTION.

ITEM 20 WAS REMOVED FROM TONIGHT'S AGENDA, TO BE HEARD AT A FUTURE MEETING.

**1.      The Gig (Bar) Liquor License**

**Request:** Forward a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) liquor license for an existing location.

**Location:** 2017 N. Scottsdale Road

**Reference:** 45-LL-2005

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

**2.      Danny's Raintree & Northsight (Beer and Wine Store) Liquor License**

**Request:** Forward a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license for a newly licensed location.

**Location:** 14717 N. Northsight Boulevard

**Reference:** 54-LL-2005

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

**3.      Coronado Golf Course (Beer and Wine Bar) Liquor License**

**Request:** Forward a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 7 (beer and wine bar) liquor license for an existing location.

**Location:** 2829 N. Miller Road

**Reference:** 69-LL-2005

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

**4.      Benjamin & Sons, Inc. (Wholesaler) Liquor License**

**Request:** Forward a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 4 (wholesaler) liquor license for a newly licensed location.

**Location:** 9383 E. Bell Road, #5009

**Reference:** 74-LL-2005

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

**5. Blue Moose Agent Change (Restaurant) Liquor License**

**Request:** Forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an agent change for an existing series 12 (restaurant) liquor license.

**Location:** 7373 Scottsdale Mall

**Reference:** 77-LL-2005

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

**6. Sippables (Wholesaler) Liquor License**

**Request:** Forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 4 (wholesaler) liquor license for a newly licensed location.

**Location:** 8889 E. Desert Cove Ave., #255

**Reference:** 78-LL-2005

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

**7. Eldorado Bar & Grill (Bar) Liquor License**

**Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) liquor license for an existing location.

**Location:** 8708 E. McDowell Road

**Reference:** 79-LL-2005

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

**8. Desert Estates at Pinnacle Peak Final Plat**

REMOVED FROM CONSENT AGENDA FOR SEPARATE ACTION. SEE PAGE 10.

**9. 104th Street and Bell Road Final Plat**

**Request:** Approve a Final Plat for Phase I Plat C consisting of 98 lots on approximately 33 +/- acres located within a Master Planned Community near Thompson Peak Parkway and Bell Road.

**Location:** East Bell Road and North 104<sup>th</sup> Street

**Reference:** 9-PP-2004#1C

**Staff Contact(s):** Frank Gray, General Manager Planning and Development Services, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

**10. Classic Car Spa Conditional Use Permit**

REMOVED FROM CONSENT AGENDA FOR SEPARATE ACTION. SEE PAGE 10.

**11. DeAtley Residence Abandonment**

**Requests:**

1. Abandon a 30-foot right-of-way along the eastern property boundary.
2. Abandon 10 feet of the 25-foot-wide right-of-way along the northern property boundary.

3. Reserve a 20-foot water line easement along the eastern property frontage.
4. Adopt Resolution No. 6780 vacating and abandoning a public right-of-way.

**Location:** 11350 E. Arabian Park Drive

**Reference:** 13-AB-2005

**Staff Contact(s):** Frank Gray, General Manager Planning and Development Services, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

## 12. Schell GLO Abandonment

### Requests:

1. Abandon the 33-foot-wide GLO easement along the eastern and western boundary of the north half of GLO Lot 35.
2. Abandon the 33-foot-wide GLO easement along the western boundary of the northwest quarter of GLO Lot 34.
3. Abandon the 33-foot-wide GLO easement along the eastern boundary, and the 8-foot GLO easement along the southern boundary of the southeast quarter of GLO Lot 35.
4. Abandon the 33-foot-wide GLO easement along the western boundary, and the 8-foot GLO easement along the southern boundary of the southwest quarter of GLO Lot 34.
5. Adopt Resolution No. 6787 vacating and abandoning a public right-of-way.

**Location:** 12884 E. Turquoise Avenue

**Reference:** 15-AB-2005

**Staff Contact(s):** Frank Gray, General Manager Planning and Development Services, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

Mayor Manross opened public testimony:

**Leon Spiro**, 7814 E Oberlin Wy, requested a staff presentation. Mayor Manross reminded Mr. Spiro that this item was on the Consent Agenda and would have a full presentation only if a Councilmember requested one. Mr. Spiro reviewed his concerns regarding General Land Office Patent Easement issues and private property rights; and requested an explanation of the City's actions from the City Attorney.

**Tony Nelssen**, representing Desert Property Owners Association, 7736 E Redbird, urged consideration of a letter from Attorney John Aleo indicating the Office of Federal Housing Enterprise Oversight is looking at the abandonment of GLO Patent Easements, and the erection of permanent structures onto them, as possible mortgage fraud.

Mayor Manross closed public testimony.

City Attorney Deborah Robberson stated the City's attorneys have consistently agreed over the years that in abandoning GLO easements, the City is abandoning only their own interest. In addition, the Arizona legislature recently passed a law reaffirming the right of cities to abandon their GLO interest.

## 13. Cascabel 1 and 2 Abandonment

### Requests:

1. Abandon 10 feet of the 55-foot- wide half street right-of-way for N. 64th Street.
2. Adopt Resolution No. 6781 vacating and abandoning a public right-of-way.

**Location:** 26818 N. 64th Street

**Reference:** 16-AB-2005

**Staff Contact(s):** Frank Gray, General Manager Planning and Development Services, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

**14. Construction Bid for the Bell Pass and Bell Loop Trail in the McDowell Sonoran Preserve**

**Request:** Authorize Construction Bid Award No. 06PB059 to Northwest Woodland Services (NWS), the successful bidder, at the total unit price bid of \$91,832 for the construction of the 4.2 mile-long Bell Pass Trail and the 1.3 mile-long Bell Loop Trail within the McDowell Sonoran Preserve.

**Related Policies, References:**

- McDowell Sonoran Preserve Access Areas Report
- Scottsdale Trails Master Plan; Conceptual Trails Plan for the Preserve
- Scottsdale Design Standards and Policies Manual for Non-Paved Trails
- Preserve Ordinance

**Staff Contact(s):** Robert Cafarella, Director of Preservation, 480-312-2577, [rcafarella@scottsdaleaz.gov](mailto:rcafarella@scottsdaleaz.gov)

**15. Enterprise Document Management Contract**

**Request:** Authorize a contract modification to Enterprise Document Management, Contract No. 2004-013-COS with 5280 Solutions, Inc. This is the fourth planned contract modification, and extends Enterprise Document Management to the City Court. It modifies the following three agreements within the original contract: Services Agreement, Software License Agreement and Maintenance/Support Agreement. The project total for this modification is \$128,323.

**Staff Contact(s):** Brad Hartig, Chief Information Officer, 480-312-7615, [bhartig@scottsdaleaz.gov](mailto:bhartig@scottsdaleaz.gov)  
Janet Cornell, Court Administrator, 480-312-2775, [jcornell@scottsdaleaz.gov](mailto:jcornell@scottsdaleaz.gov)

**16. Contract Authorization for Programming Services**

**Request:** Authorize Professional Services Contract No. 2005-187-COS with Computer Information Technology Corporation to provide .NET programming services per City of Scottsdale Intergovernmental Agreement #2004-148-COS.

**Related Policies, References:** Resolution No. 6601, dated January 11, 2005, authorizing and approving agreement #2004-148-COS, an intergovernmental agreement between the City of Scottsdale/Scottsdale City Court and six West Valley cities/city courts (Avondale, El Mirage, Glendale, Goodyear, Peoria, and Surprise) providing for the sharing of the AZTEC WIZARD™ computer program developed by Scottsdale City Court staff.

**Staff Contact(s):** Janet G. Cornell, Court Administrator, 480-312-2775, [jcornell@scottsdaleaz.gov](mailto:jcornell@scottsdaleaz.gov)

**17. Application for an Arizona Heritage Grant for the Yavapai Ball Field Complex**

**Request:** Adopt Resolution No. 6803 authorizing staff to submit a grant application for \$700,000 from Arizona Heritage Funds for the development of new lighted sports fields at Vista del Camino Park/Yavapai Elementary School; and to accept the grant should the application be successful. As the grant award notification is estimated to occur in October 2006, the capital project budget for FY 2006/07 will include \$700,000 in budget authorization to be funded by the grant, if successful.

**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2480, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov)

**18. Reciprocal Borrowing Agreement with the Maricopa County Library District**

**Request:** Adopt Resolution No. 6812 authorizing the continued participation of Scottsdale with eleven other Maricopa County communities in the reciprocal borrowing program. The program allows citizens to use regional public libraries at no cost to the citizen by amending the existing Intergovernmental Agreement #2001-094-COS (IGA) with Maricopa County Library District, extending it for two years and increasing the amount the City of Scottsdale Library will receive from the current rate of \$20.00 to \$24.50 in FY2005/06 and \$29.00 in 2006/07.

**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2480, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov)

**19. Acceptance of State Grants-in-Aid for Library Construction for Knowasis: Thunderbirds Charities Teen Learning Center**  
**Requests:**

1. Adopt Resolution No. 6813 authorizing the Library Director to accept an Arizona State Library 2006 State Grant-in-Aid for \$25,000 to be used in the construction of Knowasis: Thunderbirds Charities Teen Learning Center.
2. Authorize the transfer of \$25,000 in Future Grants budget to the assigned grant center. The grant was anticipated and included in the adopted Grants Budget for FY 2005/06.

**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2480, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov)

**20. CIP Budget Transfer to Senior Center at Granite Reef**

**Request:** Approve the transfer of \$950,000 in Bond 2000 funding authority from the Lost Dog Wash Access Area project (P0403) to the Senior Center at Granite Reef project (P0207).

**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2480, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov)

ITEM 20 WAS REMOVED FROM TONIGHT'S AGENDA, TO BE HEARD AT A FUTURE MEETING.

**21. Engineering Services Contract for Multi-use Path Planning and Design**

**Request:** Adopt Resolution 6798 authorizing the Mayor to execute Engineering Services Contract 2005-189-COS with Engineering and Environmental Consultants, Inc. in an amount not to exceed \$350,000 per year to provide planning and design services related to multi-use paths on an on-call basis.

**Staff Contact(s):** Mary O'Connor, Transportation General Manager, 480-312-2334, [moconnor@scottsdaleaz.gov](mailto:moconnor@scottsdaleaz.gov); Dave Meinhart, Transportation Planning and Transit Director, 480-312-7010, [dmeinhart@scottsdaleaz.gov](mailto:dmeinhart@scottsdaleaz.gov)

Mayor Manross opened public testimony:

**Leon Spiro**, 7814 E Oberlin Wy, requested a staff presentation. Mayor Manross reminded Mr. Spiro that this item was on the Consent Agenda and would have a full presentation only if a Councilmember requested one. Mr. Spiro questioned if this contract was put out for bid.

Mayor Manross closed public testimony.

Ed Gawf said ten proposals were received and reviewed before awarding this contract to EEC, Inc.

**22. Affirmation of 2006 City Council Subcommittee Appointments**

**Request:** Affirm Mayor Manross' City Council Subcommittee assignments for the Audit Committee, Budget Subcommittee, Joint Scottsdale Unified School District-City Council Committee, Subcommittee on Regional Aviation Issues, WestWorld Subcommittee, Western Art Subcommittee, and Joint Cultural Council-City Council Contract and Public Art Ordinance Review Task Force.

**Related policies, ordinances:** Per City Code, Section 2-23, "the City Council may appoint such committees of the Council as may be deemed reasonably necessary to the effective and efficient operation of the Council. Members of committees shall be appointed by the Mayor, with the approval of the City Council, and they shall serve at the pleasure of the Council."

**Staff Contact:** Natalie Lewis, Assistant to the Mayor and City Council, 480-312-2433, [nlewis@scottsdaleaz.gov](mailto:nlewis@scottsdaleaz.gov)

**23. Settlement of Lawsuit Against Defendants JP Morgan/Bank One and Affiliates**

**Request:** Adopt Resolution No. 6814 authorizing the NCFE Loss Recovery Coalition and/or the State of Arizona to enter into a settlement on the City of Scottsdale's behalf resolving claims pending against JP Morgan/Bank One and their affiliates in City of Scottsdale, et. al, v. Bank One, et. al, Cause No. CV03-1220-PHX-ROS, currently pending in United States District Court in Ohio.

**Related Policies, References:** IGA: Contract No. 2003-112-COS

**Staff Contact(s):** Deborah Robberson, City Attorney, 480-312-2405, [drobberson@scottsdaleaz.gov](mailto:drobberson@scottsdaleaz.gov); Craig Clifford, Financial Services General Manager, 480-312-2364, [cclifford@scottsdaleaz.gov](mailto:cclifford@scottsdaleaz.gov)

**24. Settlement of City of Scottsdale v. Chang, et. al, a Preserve Condemnation Case**

**Request:** Adopt Resolution No. 6816 authorizing the City Attorney to settle City of Scottsdale v. Shih Chieh Chang, et. al, Superior Court case number CV2003-012192, an eminent domain action brought to acquire real property for the McDowell Sonoran Preserve.

**Related Policies, References:**

Resolution No. 6073, which authorized the condemnation of the 38.83 (+/-) acre parcel for the McDowell Sonoran Preserve.

**Staff Contact(s):** Deborah W. Robberson, City Attorney, 480-312-2405, [drobberson@scottsdaleaz.gov](mailto:drobberson@scottsdaleaz.gov); Robert Cafarella, Preservation Director, 480-312-8-13, [rcafarella@scottsdaleaz.gov](mailto:rcafarella@scottsdaleaz.gov)

Mayor Manross opened public testimony:

**Leon Spiro**, 7814 E Oberlin Wy, said that \$84,000 per acre for the property was a good price for the City.

Mayor Manross closed public testimony.

**25. Construction Bid Award for Demolition and Site Remediation at 7500 E. Butherus Drive**

**Request:** Authorize Bid Award 06PB058 for demolition of existing office building, foundation, walls and planters; removal of existing utilities; and removal of existing asphalt pavement to KNK Diversified, the lowest responsive bidder, at the lump sum bid of \$59,689.



**Related Policies, References:** City Council approved the purchase of the 7500 Building for future demolition and subsequent improvement in November 2001.

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov)

**26. Modification of Assessment for the Bell II Improvement District**

**Request:** Adopt Resolution No. 6811 modifying improvement district assessment number 000.0001 for water lines, sewer lines and street improvements within the Bell II Improvement District, Series No. 106.

**Related Policies, References:**

- Council adopted Resolution No. 5751 declaring the intention to form the improvement district on February 4, 2001.
- Council adopted Resolution No. 5832 ordering work to begin within the district on June 5, 2001.
- Council adopted Resolution No. 5961 approving the Assessment Diagram and ordering the sale of Not to Exceed \$7.9 Million in Improvement District (ID) Bonds on November 5, 2001.
- Council adopted Resolution No. 6262 approving final assessments on April 1, 2003.

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov)

Mayor Manross opened public testimony:

**Leon Spiro**, 7814 E Oberlin Wy, said only 80% of the affected property owners approved the Improvement District, and wondered what would happen if the other 20% questioned their private property rights that go with the GLO assemblage.

Mayor Manross closed public testimony.

**27. U.S. Department of Homeland Security Domestic Preparedness Program Grant Requests:**

1. Adopt Resolution No. 6808 authorizing the Fire Department to accept the U.S. Department of Homeland Security, Office of Domestic Preparedness Program grant (2004-GE-0051) in the amount of \$105,600. The grant is administered and funds are passed through the Arizona Division of Emergency Management. The grant will be used to provide First Responders training for 40 firefighters and will reimburse the costs of regular and overtime pay for attendees and overtime paid to provide minimum staffing (callback) coverage during training.
2. Authorize the transfer of \$105,600 in Future Grants budget to the assigned center.

The grant was anticipated and included in the adopted Grants Budget for FY 2005/06.

**Staff Contact(s):** William L. McDonald, Fire Chief, 480-312-1880, [wmcdonald@scottsdaleaz.gov](mailto:wmcdonald@scottsdaleaz.gov)

**MOTION AND VOTE – CONSENT AGENDA**

COUNCILMAN OSTERMAN MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 1 THROUGH 27, WITH THE EXCEPTION OF ITEMS 8, 10, AND 20. COUNCILMAN LANE SECONDED THE MOTION, WHICH CARRIED 7-0.

ITEM 8 REMOVED FROM CONSENT AGENDA FOR SEPARATE DISCUSSION:

**8. Desert Estates at Pinnacle Peak Final Plat**

**Request:** Approve a Final Plat for a single-family subdivision on 160+/- acres containing 73 lots and amended development standards.

**Location:** Southeast corner of 132nd Street and Dynamite Boulevard

**Reference:** 5-PP-2003

**Staff Contact(s):** Frank Gray, General Manager Planning and Development Services, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

Councilmember Drake said she was disappointed that the case had not been reviewed with policy guidelines in mind and that staff did not negotiate a trail on the wash through the property.

Councilman Littlefield agreed and suggested a citizen's committee be formed to look at these types of issues.

Mayor Manross opened public testimony:

**Tony Nelssen**, Desert Property Owner's Association, 7736 E Redbird, said the Foothills Character Plan was raised with staff but was ignored. He believed these areas and the developers should be closely monitored.

Mayor Manross closed public testimony.

**Rod Jarvis**, representing the applicant, said his client is not interested in keeping the wash open on this private property. Mr. Jarvis pointed out there is still connectivity with the trail system, just not what some people wish it to be. He suggested that the 100-foot scenic corridor on Dynamite Road could easily have a trail that would be far away from the road.

**MOTION AND VOTE – ITEM 8**

COUNCILMAN OSTERMAN MOVED FOR APPROVAL OF ITEM 8, 5-PP-2003. COUNCILMAN LITTLEFIELD SECONDED THE MOTION, WHICH CARRIED 6-1, WITH COUNCILMEMBER DRAKE DISSENTING.

ITEM 10 REMOVED FROM CONSENT AGENDA FOR SEPARATE DISCUSSION:

**10. Classic Car Spa Conditional Use Permit**

**Requests:**

1. Approve a Conditional Use Permit for a gasoline service station with a full service car wash facility on a 2.5 +/- acre parcel located at 22111 N. Scottsdale Road with General Commercial District (C-4) zoning.
2. Adopt Resolution No. 6807 affirming the Conditional Use Permit.

**Location:** 22111 N. Scottsdale Road

**Reference:** 14-UP-2005

**Staff Contact(s):** Frank Gray, General Manager Planning and Development Services, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

Councilmember Drake questioned why the project has only a sixty-foot scenic corridor as opposed to the typical 100-foot corridor. She expressed concern about the lack of Design Review Board stipulations for the case.

Mr. Randy Grant explained that the property was rezoned in the mid-1980s. Because the wash serves as drainage for other property to the north, the drainage solution was required to be built to a higher standard as part of the rezoning stipulations. Mr. Grant stated that any design stipulations would be part of a later hearing. The current request is solely for the use permit, and he believes the report reflects compliance with the use permit criteria.

Councilmember Drake said she hopes the design will be reviewed for conformance with the Desert Foothills Character Plan and the Scottsdale Sensitive Design Guidelines.

### **MOTION AND VOTE – ITEM 10**

COUNCILMEMBER DRAKE MOVED FOR APPROVAL OF ITEM 10, 14-UP-2005.  
COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 7-0.

## **REGULAR AGENDA      ITEM 28**

### **28.     Silverstone Rezoning and Conditional Use Permit**

#### **Requests:**

1. Rezone from Western Theme Park District (W-P) to Planned Community District (PC) with comparable zoning of Central Business District (C-2), Commercial Office District (C-O), and Multiple Family Residential District (R-5), including amended development standards on 160+/- acres located at the southeast corner of N. Scottsdale Road and E. Pinnacle Peak Road.
2. Approve a Conditional Use Permit for a residential health care facility on Parcel H of the 160-acre property located at the southeast corner of N. Scottsdale Road and E. Pinnacle Peak Road.
3. Adopt Ordinance No. 3651 affirming the rezoning and amended development standards.
4. Adopt Resolution No. 6806 affirming the Conditional Use Permit.

**Location:** Southeast corner of N. Scottsdale Road and E. Pinnacle Peak Road

**Reference:** 15-ZN-2005 & 13-UP-2005

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

Mr. Grant presented the case and reviewed the Development Plan.

#### **Planned uses:**

- 25 acres of commercial
- 97 acres of residential
- 4.5 acres for municipal use
- 13 acres for Rawhide Wash/Park site

Planned roadway improvements:

- Miller Road – from two lanes to four lanes
- Williams Drive – from two lanes to four lanes
- Pinnacle Peak Road – from two lanes to four lanes from Scottsdale Road to Miller Road; bridge at Rawhide Wash
- Traffic signals at Scottsdale/Williams and Miller/Williams

The applicant reviewed the new site plan derived from public input:

- 100-foot scenic corridor
- Rawhide Wash/Park
- Proposed library on four acres of municipal property
- 1% of property dedicated to public art

Mayor Manross opened public testimony:

**Joan Fudala**, 11707 E Desert Vista Dr, 85255, supported the project because of the library component. Ms. Fudala said that a library in this area will create more public meeting and community gathering space.

**Richard Katz**, 10784 N 101<sup>st</sup> St, 85260, said he is very pleased with the development and believes it will be a great asset for the northern part of Scottsdale.

**Bob Vairo**, Coalition of Pinnacle Peak, 10040 E Happy Valley Rd, #451, 85255, said traffic had been a major concern before decisions were made to improve the surrounding streets. Mr. Vairo urged Council not to allow Phoenix to dump traffic onto Scottsdale Road when they develop the property on the west side of Scottsdale Road.

**Karen Quinn**, 7955 N Via Azul, 85250, supported the plan, especially the library, which she believes is dearly needed in the area.

**Dean Shepherd**, Scottsdale Chamber of Commerce, 7343 Scottsdale Mall, 85251, said the site plan is the best use for the property, and the Chamber recommends approval of the rezoning and conditional use permit.

**Judy Weller**, 23003 N 77<sup>th</sup> Wy, 85255, spoke in support of the project and remarked how diligent the developer had been in listening to feedback from the neighborhood.

**Tony Nelssen**, Desert Property Owners Association, 7736 E Redbird, requested assurances that the project will be developed as presented. He agreed that no curb cuts should be cut into Scottsdale Road for the benefit of Phoenix. Mr. Nelssen questioned how traffic would be addressed on Scottsdale Road during construction.

**Stephen Plunkett**, 22415 N Los Senda Dr, 85255, supports the project and likes the variety of uses planned for the site.

**Bud Neal**, 10929 E Betony Dr, 85255, expressed his support of the developer.

Mayor Manross closed public testimony. Four additional comment cards were received from citizens in favor of this item, but not wishing to speak.

**Council/Staff discussion:**

- A stipulation regarding a site for a library was clarified as follows: "At the time of final platting, a minimum of 4.48 acres (Parcels A and B) shall be dedicated to the City for municipal use purposes. It is intended, but not required, that a minimum of 3.48 acres will be utilized for a public library."
- Staff confirmed that money has been budgeted for a library in the area and that the location included in the plan is the preferred location.
- Staff has been working with Phoenix regarding access on Scottsdale Road, and any proposals will be brought back to Council for public discussion.
- Council members fully support the public space being used for a library, but did not wish to preclude other locations.
- Traffic remains a major concern in the area and should be continually monitored.
- The Council appreciated the 1% allocation for art included in the project.

**MOTION AND VOTE – ITEM 28**

COUNCILMAN ECTON MOVED FOR APPROVAL OF ITEM 28, 15-ZN-2005 AND 13-UP-2005, WITH STIPULATIONS AS PRESENTED, AND THAT THE FINDINGS REQUIRED BY THE ZONING ORDINANCE FOR THE PCD AND THE USE PERMIT ARE MET. VICE MAYOR MCCULLAGH SECONDED THE MOTION, WHICH CARRIED 7-0.

**PUBLIC COMMENT**

**Kathy Howard**, 10642 E San Salvador, 85258, presented a petition (attached) requesting full public disclosure as to all events, facts, and parties involved in the nomination petition challenge.

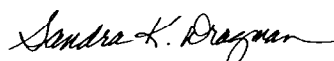
**CITY MANAGER'S REPORT** - None

**MAYOR AND COUNCIL ITEMS** - None

**ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 7:45 P.M.

**SUBMITTED BY:**



**Sandy Dragman**  
Recording Secretary

**REVIEWED BY:**



**Carolyn Jagger**  
City Clerk

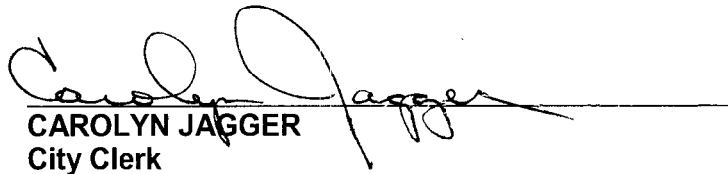
Officially approved by the City Council on February 7, 2006

### CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 10th day of January 2006.

I further certify that the meeting was duly called and held, and that a quorum was present.

**DATED** this 7<sup>th</sup> day of February 2006.



CAROLYN JAGGER  
City Clerk

2006 JAN 10 PM 4:42

December 19, 2005

Scottsdale City Council  
3939 N. Drinkwater Blvd.  
Scottsdale, AZ 85251

Attn: Jan Dolan, Roger Klinger, Bill Peifer, Mayor Manross, and all Council Members

Petition of Complaints by La Casa Rica Neighborhood

The City of Scottsdale has been building a new water treatment plant for two years now at the southeast corner of Hayden and McDonald. The neighborhood has been misled from the beginning with regard to the height of the plant, the noise during the construction, the inconveniences to the neighborhood, the safety issues relating to egress and ingress to the neighborhood, dirt, dust, traffic issues, and the inability of the city to find satisfactory resolutions to these issues as they occur.

Specifically:

The residents living directly across the street (north) of the project seldom get a whole night's sleep due to early construction which starts in the summer between 3am and 4am, and 6am in the winter months. During the night noisy street cleaners also work between the hours of 2am and 3am, including on the weekends.

The construction work itself is noisy, dirty, and dusty and often continues on Saturday causing every homeowner extra work keeping their homes clean, inside and outside. Pools contain much extra dust especially when windy conditions heighten this whole construction process.

Pipe laid along 82<sup>nd</sup> Street continues to develop problems that cause new holes to be cut without proper signage, which increases hazardous driving conditions to and from Saguaro High School and the neighborhood.

McDonald has become a truck route even though it isn't a designated truck route which also adds to the noise, pollution, dirt and dust issues.

The water treatment plant itself is much higher than anyone ever expected from the original drawings presented. It blocks views that made homes more saleable, and causes noise to bounce off the building, back into the neighborhood which increases the already over-the-top noise level.

The stress level is beyond discussion since homeowners were constantly reassured at pre-construction meetings that there would be very few inconveniences and that city would do everything to alleviate them during the construction of this plant. This obviously has not happened since we have experienced a lot of inconveniences and nothing has been done to alleviate them as promised.

LET IT BE FURTHER RESOLVED that the Noise Pollution be monitored, and solutions found and implemented so that the neighborhood does not need to proceed further with regard to this issue.

LET IT BE FURTHER RESOLVED that the truck traffic be monitored and appropriate solutions found and implemented as soon as possible. Results should be given to the Neighborhood. Suggestions are to immediately direct truck traffic to Indian School by way of Hayden. (We have a flyer stating all truck traffic will come down Hayden.)

LET IT BE FINALLY RESOLVED that the La Casa Rica Neighborhood is stressed from two years of dealing with noise and dirt in their homes. Our homes are to be places to de-stress, relax and lock the world out of, yet that is not happening in this neighborhood. People need to know that they will be reimbursed for this stressful 2-3year inconvenience or provided for in some other way (i.e. triple paned windows) which we deserve in return for the loss of quality of life in our homes during this time. We also wanted it to be made clear that we have documentation of numerous calls and emails to city council and Mayor Manross, and calls to Bill Peifer and Roger Klinger. Many promises had been made numerous times; however the same issues continue to resurface time after time with no resolution.

LET IT BE KNOWN THAT THE FOLLOWING SIGNATURES of the Neighborhood attests to the validity of this Resolution.

Sincerely,

Residents of La Casa Rica Neighborhood

Cc: Construction Company



We the undersigned residents of Scottsdale, as authorized under Article Two § 16 of the Scottsdale City Charter, do hereby petition the Scottsdale City Council to censure Councilmembers Kevin Osterman, Kevin O'Connell, and Robert Littlefield, also known as the Kulick Three, for conduct unbecoming of a Scottsdale City Councilmember and the City of Scottsdale. We demand full public disclosure as to all events, facts and parties involved. As part of the censure, the Scottsdale City Council shall demand full public disclosure as to all events, facts and parties involved. In addition, the Kulick Three shall be required to reimburse the City of Scottsdale for any and all additional expense involved in the City's response caused by the questionable and negligent methods they employed.

Signature	Printed Name	Address
<i>Susan Wood</i>	Susan wood	9630 E Yucca St 11/10/06
<i>Mariant Ivanisko</i>	Mariant Ivanisko	9700 E Cholla St 11/10/06
<i>R. L. Whitmer</i>	R. L. Whitmer	7023 E Pima St
<i>Charles S. Wood</i>	Charles S. Wood	4630 E Yucca St. 11/10/06
<i>Todd Borowsky</i>	Todd Borowsky	3402 N. 62nd pl Scottsdale 85251
<i>Joseph A. Ivanisko</i>	Joseph A. Ivanisko	9705 E Cholla St., Scottsdale, AZ 85260
<i>Tom Visco</i>	Tom Visco	10277 E. Shangri-La Scottsdale, AZ 85260
<i>Ryan Currens</i>	Ryan Currens	9648 E Scott Dr. 85260
<i>Dee Dykstra</i>	Dee Dykstra	8500 E. Indian School Rd. Scottsdale, AZ 85251
<i>Kathleen L. Howard</i>	Kathleen L. Howard	10642 E. San Salvador Scottsdale, AZ 85258
<i>Cindy Norland</i>	Cindy Norland	3326 N. 85th Pl Scottsdale AZ 85251 1-10-06
<i>Royand Kueffner</i>	Royand Kueffner	3326 N. 85th Pl Scottsdale AZ 85251 1-10-06
<i>Pita Frajer</i>	Pita Frajer	7411 E. Gainery Clu. V. Scottsdale
<i>Joan M. Hoey</i>	Joan M. Hoey	10508 E. Minnow Lake Scottsdale 85258
<i>William V Hoey</i>	William V Hoey	11487 E. Aster Scottsdale 85258
<i>Dennis Brate</i>	Dennis Brate	2100 N. Scottsdale Rd.

[illegible]